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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,815	09/05/2003	Edward E. Durrant	1021.U03	7156
62733 KEELY SCHNEITER 399 NORTH MAIN SUITE 300 LOGAN, UT 84321	7590 10/28/2008		<div>EXAMINER</div> <div>RIGGLEMAN, JASON PAUL</div>	
			<div>ART UNIT</div> <div>1792</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>10/28/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,815

Applicant(s)

DURRANT ET AL.

Examiner

JASON P. RIGGLEMAN

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-7, 16-19, 25-28 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 16-19, 25-28, and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Foreign reference

DETAILED ACTION

Status of Claims

1. Applicant's amendment, filed 7/17/2008, has been received. Current pending claims are 1-2, 4-7, 16-19, 25-28, and 33. Claims 1-2, 4-7, 16-19, 25, and 27-28 are amended. Claims 3, 8-15, 20-24, 29-32, and 34-36 are cancelled. Claim 26 is original. Claim 33 is previously presented.

Response to Amendments

2. Applicant's arguments with respect to claims 1-2, 4-7, 16-19, 25-28, and 33 have been considered but are moot in view of the new ground(s) of rejection. The applicant's amendment's to the claims have necessitated the new grounds for rejections.

3. The previous 112, second paragraph, rejection of claims 2, 17, and 27, are withdrawn in view of the amendment of the claims. New 112, second paragraph, rejections of claims 6 and 25 have been made (and the previous withdrawn – see below).

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "wherein the cleaning solution air compressor system (air pressure pump) is coupled to a vehicle engine of the vehicle and is configured to be at least partially powered by the vehicle engine" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 6, the phrase "a cleaning solution vacuum system, operatively coupled with a cleaning applicator" is not proper language for an apparatus claim. In regards to claim 25, a "configured to clean at least

50 square feet of textile area per gallon of cleaning solution" is not understood. For instance, this depends on subjective factors such as speed of cleaning by the operator and the subjective determination of *cleanliness*. For purposes of examination, this is not given patentable weight.

7. Claims 2, 17, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language "wherein the cleaning solution air compressor system (air pressure pump) is coupled to a vehicle engine of the vehicle and is configured to be at least partially powered by the vehicle engine" and "wherein the air pressure pump is configured to be at least partially powered from a vehicle engine" is not understood. Is the connection mechanical or electrical? How are the components "coupled"? The claims are indefinite without these limitations.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 4-7, 16-19, 25-28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebberts (US Patent Application No. US2001/0035467) in view of Ruiters (Canadian Patent No. 1057470).

10. Ebberts teaches a cleaning system having a storage system designed to hold the cleaning solution of which the storage system includes an acid solution tank (20a) and a

base solution tank (20b). A delivery system is fluidly coupled to the acid solution tank and the base tank to enable delivery of the cleaning solution to the textile area. A cleaning solution electrically powered air compressor (air pressure pump) (70) is fluidly coupled to the acid solution tank and the base solution tank and is configured to the move the cleaning solution from the acid solution tank and the base solution tank through the delivery system and to the textile area. The delivery system comprises a mixing chamber (single compression tee 60) configured to be fluidly coupled to each of the acid solution tank and base solution tank and configured to mix the cleaning solution before application to the textile, paragraph [0051], Fig. 1. The mixing chamber is configured to received and mix the cleaning solution to form a carbonated cleaning solution that effervesces upon release to the textile, paragraphs [0056] and [0021]. The device has a triggered applicator which delivers the cleaning solution, paragraph [0053]. The apparatus may have an inline heater after the mixing chamber (see Abstract).

11. Ebberts does not teach the vacuum system (effluent storage system) nor it's connection with applicator; however, the ASA (admitted state of the art by the applicant) teaches that the "application wand 16, hose 18, storage unit 28, hose 29, tank 30, hose 31 and vacuum pump 33 are all coupled in any standard means that is sufficient to create a known vacuum air pressure for the intended purpose of removing cleaning solution from an application site", (pg. 8, Lines 22-27) of applicant's specification. Thus, the applicant admits that the operable connection of the vacuum effluent storage system is known in the art of cleaning. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ebberts with the ASA to create a

carpet cleaning system which has a convention means to remove the delivered cleaning solution to accelerate the drying process and prevent mildew and water damage to achieve the expected result.

12. Ebberts, as modified by the ASA, above, does not teach that the cleaning storage system and effluent storage system are positioned in a vehicle and that the air compressor is powered by the vehicle engine; however, Ruitter (Canadian Patent No. 1057470) teaches a self-contained mobile cleaning unit in which the vacuum system has an effluent storage system positioned in a vehicle and a storage system is positioned in a vehicle. Ruitter teaches that the water pressure pump and vacuum drawing pump are driven by the vehicle engine (pg. 3, lines 20-23). It would have been obvious to one of ordinary skill in the art to modify Ebberts, as modified by the ASA, with Ruitter to create a mobile cleaning system which is also compact within the vehicle (pg. 4, Lines 24-30) to achieve the expected result.

13. **Note:** Ebberts does not describe the cleaning rate ($< 1.5 \text{ gal./min.}$) nor the cleaning efficiency ($50 \text{ ft.}^2/\text{gal.}$); however, the claimed structures are the same and therefore would be expected to perform the same.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman
Examiner
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/J. P. R./
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